

## II. Remarks In Response to the Office Action

### A. General Remarks

Claims 1-45 were pending in the application prior to this Reply. Claims 5, 20, and 35 have been cancelled without prejudice to their continued prosecution in a continuation application. Therefore, Claims 1-4, 6-19, 21-34, and 36-45 are pending.

### B. Claim Objections

1. Claims 1, 2, 16, 17, and 31-32 stand objected to because of informalities.

In response, Assignee has amended the claims as follows:

- Claims 1, 16, and 31 have been amended to replace the phrase “for managing” in the claims with --to manage--, which is believed to address the Examiner’s objection.
- Claims 2, 17, and 32 have been amended to replace the phrase “for performing” in the claims with --to perform--, which is believed to address the Examiner’s objection.

2. Claims 14-15, 29-30, and 44-45 stand objected to under 37 CFR § 1.75(c) as being improper dependent claims since they all dependent on independent claims that recite the optional “or” and do not narrow the scope of the claims as required under 112, fourth paragraph.

In response, Assignee has amended the claims as follows:

- Independent claims 1, 16, and 31 have been amended to replace the phrase “one or more policies or definitions” with --management criteria--, which removes the optional use of “or” in the claims.
- Dependent claims 13-14, 28-29, and 43-44 have been amended to replace the phrase “the one or more definitions” with -- ~~the~~ one or more definitions in the management criteria -- so that these claims are now believed to comply with 37 CFR § 1.75(c).

- Dependent claims 12, 15, 27, 30, 42, and 44 have been amended to replace the phrase “the one or more policies” with -- ~~the~~ one or more policies in the management criteria -- so that these claims are now believed to comply with 37 CFR § 1.75(c).

These amendments are believed to address the Examiner’s objections while maintaining the scope of the original claims and, further, without introducing new matter. In light of these amendments, Assignee respectfully requests that the objections to the claims be reconsidered and withdrawn and the claims be allowed in the next paper from the Office.

**C. Claim Rejections - 35 USC § 101**

Claims 16-30 stand rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter.

In response, Assignee has amended claims 16-30 so that they are directed to a “program storage device comprising program instructions stored thereon, wherein the program instructions are computer-executable to cause a programmable control device to implement...” Based on this amendment, the subject matter of claim 16-30 is tangibly embodied and believed to comply with 35 U.S.C. § 101. In light of these amendments, Assignee respectfully requests that the rejections to claims 16-30 be reconsidered and withdrawn and the claims be allowed in the next paper from the Office.

**D. Allowable Subject Matter**

1. Claims 5-13 and 35-43 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

In response, Assignee has amended the claims as follows:

- Independent claim 1 has been amended to include all of the limitations of dependent claim 5, and claim 5 has been cancelled.

- Claims 6-7 and 9-13, which originally depended directly from now cancelled claim 5, have been amended to depend from independent claim 1.

In light of these amendments, independent claim 1 is believed to be allowable and, as a consequence, claims 2-4 and 6-15 depending therefrom are also believed to be allowable.

2. Claims 35-43 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

In response, Assignee has amended the claims as follows:

- Independent claim 31 has been amended to include all of the limitations of dependent claim 35, and claim 35 has been cancelled.
- Claims 36-37 and 39-43, which originally depended directly from now cancelled claim 35, have been amended to depend from independent claim 31.

In light of these amendments, independent claim 31 is believed to be allowable and, as a consequence, claims 32-34 and 36-45 depending therefrom are also believed to be allowable.

3. Although claims 16-30 are not objected to as being allowable due to the rejection under 35 U.S.C. § 101, Assignee believes that the amendments to these claims also make them allowable.

In addition to amending these claims to overcome the 101 rejection, Assignee has also amended the claims as follows:

- Independent claim 16 has been amended to include all of the limitations of dependent claim 20, and claim 20 has been cancelled.
- Claims 21-22 and 24-28, which originally depended directly from now cancelled claim 20, have been amended to depend from amended independent claim 16.

In light of these amendments, independent claim 16 is believed to be allowable and, therefore, claims 17-19 and 21-28 depending therefrom are also believed to be allowable.

**E. Claim Rejections - 35 USC § 103**

Claims 1-4, 14-19, 29-34, and 44-45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gillmann et al. *A Goal-driven Auto-Configuration Tool for the Distributed Workflow Management System Mentor-Lite* in view of Chandra et al. (U.S. Patent No. 6,397,359).

As discussed above, Assignee has amended independent claim 1 to include all of the limitations of dependent claim 5, independent claim 16 to include all of the limitations of dependent claim 20, and independent claim 31 to include all of the limitations of dependent claim 35. Therefore, claims 1-4, 14-19, 29-34, and 44-45 are not believed to be rendered obvious over Gillmann et al. in view of Chandra et al., and Assignee respectfully requests allowance of these claims in the next paper from the Office. The amendments to the claims made herein are not to be construed as an admission that Gillmann et al. is prior art to Assignee's claimed subject matter, that it is proper to combine Gillman et al. with Chandra et al., nor that the combination of Gillman et al. in view of Chandra et al. renders the rejected claims as obvious.

**F. Conclusion**

This Reply was due on 8/19/2006, which was a Saturday, and this Reply is being timely filed on 8/21/2006, which is the next business day. Therefore, no fees are believed due at this time. The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application. Should any fees be due for any reason, the undersigned representative authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 501922, referencing order no. 149-0046US.

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To facilitate the resolution of any issues or questions presented by this paper, Assignee respectfully requests that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration, and allowance of the claims.

Respectfully submitted,

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Date

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